

Judge Dorfman

06 CV 1241

81-06/MEU  
FREEHILL HOGAN & MAHAR, LLP  
Attorneys for Plaintiff QATAR SHIPPING CO. Q.S.C.  
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Michael E. Unger (MU0045)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
QATAR SHIPPING CO. Q.S.C.,

Plaintiff,

v.

TOTALMAR NAVIGATION CORP.,

Defendants.  
-----X

06 CIV \_\_\_\_\_ ( )

**UNGER AFFIDAVIT  
PURSUANT TO RULE B(1)**

State of New York )  
 ) ss.:  
County of New York )

MICHAEL E. UNGER, being duly sworn, deposes and says as follows:

1. I am an attorney with the law firm of Freehill Hogan & Mahar, LLP, attorneys for Plaintiff herein.

2. This affidavit is submitted pursuant to Supplemental Rule B of the Federal Rules of Civil Procedure.

3. Deponent has made an investigation and deponent believes that based upon the results of this investigation, the Defendants are corporations or other business entities which cannot be "found" within this District for the purpose of an attachment

under Rule B. In support of this position, deponent has conducted the following investigation:

(a) Deponent contacted the office of the New York Department of State, Division of Corporations on February 16, 2006, via the official Department of State website at <http://www.dos.state.ny.us> and conducted a search for a corporations named "TOTALMAR NAVIGATION CORP." and the search result indicated that TOTALMAR NAVIGATION CORP. is not a New York corporation, nor is it licensed, authorized or registered to do business in the State of New York as either a domestic or international corporation;

(b) Deponent consulted with Directory Assistance for New York on February 16, 2006 for area codes (212), (718), (917), (646), (914), and (845) and no listing for TOTALMAR NAVIGATION CORP. was located;

(c) Deponent reviewed the Journal of Commerce (Business Directory) Transportation Telephone Tickler, 2005 Edition\* (Vol. 1 New York Metropolitan Area) and no listing was found for TOTALMAR NAVIGATION CORP.;

(d) Deponent accessed on February 16, 2006, through Microsoft Internet Explorer and Yahoo! Search engines the yellow pages telephone directory database and found no listing in that database for any office or agent of TOTALMAR NAVIGATION CORP. in the State of New York;

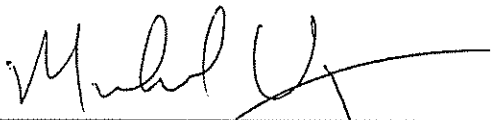
(e) Deponent is unaware of any general or managing agent(s) within this District for TOTALMAR NAVIGATION CORP.

4. Based upon the foregoing, your deponent submits that Defendants TOTALMAR NAVIGATION CORP. cannot be "found" within this District for

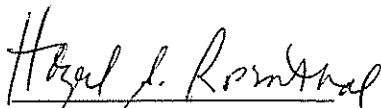
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\* The 2006 Edition was not yet available at the time of this Affidavit.

the purpose of an attachment pursuant to Rule B and seeks an order of attachment against the tangible and intangible property of TOTALMAR NAVIGATION CORP. as may be found within this District up to and including the amount of the claim as specified in the Verified Complaint.

  
\_\_\_\_\_  
Michael E. Unger (MU0045)

Sworn to before me this  
16th day of February, 2006

  
\_\_\_\_\_  
Notary Public

HAZEL S. ROSENTHAL  
Notary Public, State of New York  
No. 01RO4641178  
Qualified in Queens County  
Certified in New York County  
Commission Expires Dec. 31, 2008